

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, members John McDonnell, Vincent Chiozzi (arrived at 7:41 p.m.), Eric Macaux and associate member Lelani Loder; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Ms. Duff, Chair, disclosed that the meeting minutes are recorded and published online, any input from the audience (including their names and addresses) will be appear in the publish minutes, and all Board meetings are broadcast on television and available for viewing.

Other Business:**5 Campanelli Drive:**

Ms. Byerley reviewed a letter dated July 3, 2012 from The Gutierrez Company requesting an extension to a Special Permit for a Major Non-Residential Project that was issued in 2008 for a new, three story, 100,000 gsf office building located at 5 Campanelli Drive. She recommended to the Board that they extend the permit to September 2013. Mr. McDonnell made a motion which was seconded by Mr. Macaux to approve an extension of Special Permit SP08-01 through September 2013. **Vote:** Unanimous (5-0)

600-800 Federal Street:

The Board opened the public hearings that were continued from the June 12th meeting on an application by Leggat McCall Properties, LLC for a Modification of a Definitive Subdivision (Woodland Park), a Modification of a Major Non-Residential Project, and a Special Permit for Watershed Protection Overlay District on property located at 600-800 Federal Street. The proposed modifications are to expand the existing building at 800 Federal Street from 160,860 gsf to 237,974 gsf and to combine the lots of 600 and 800 Federal Street plus combine additional lots that front off Chandler Road and reconfigure the cul-de-sac. Ms. Byerley reviewed the items that had been previously discussed and what the applicant has done to revise the plans according to comments from the previous meetings. Mark Johnson, representing the applicant, reviewed the progress that has been made with the Sarkisian family as to what can be done to increase the netting. Mr. Johnson sent the Sarkisian family an agreement which is contingent on the applicant getting access to the Sarkisian property to put up the net, and obtaining the proper permits from the Conservation Commission. If neither can be acquired, they would not be able to move forward. Ms. Byerley informed the Board that research was done on netting height at local golf establishments. The majority had a netting height of 50 feet which uses wooden telephone poles. The only establishment that deviated was the Indian Ridge Country Club, hole 3, which had a 50 foot pole with an extension to make the netting 70-75 ft. Mr. Johnson noted that the Sarkisians have been informed of several measures that they can take to decrease the chance of balls going over the netting. He reminded the Board that this is an issue that is not caused by the applicant, and the Driving Range only came into being through a variance from the Zoning Board of Appeals to put a driving range on 12 acres when the law is 50 acres. Mr. Chiozzi questioned if the neighbors have agreed to this or if this is a proposal. Mr. Johnson responded that a proposal was sent to the Sarkisians. Armen Kourkounian, 137 Chandler Rd., representing the Sarkisian family, addressed the Board. He stated that the family had not seen the proposal from the applicant that was dated July 5th until they returned from vacation on July 8th. He requested that the Board give his family 45 to 60 days to consult amongst themselves and

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with experts before they make a decision. There is a discussion on the fact that this is a private agreement between the two parties that needs to be negotiated outside of the Planning Board. The specifics of the agreement between the two parties will not be part of the decision of the Board. Mr. Johnson gave an overview of the letter that was sent to the Sarkisians. He reiterated that they are trying to be a good neighbor to the Sarkisians, but the Board should not hold up the project for a problem that the applicant is not creating, but is trying in good faith to resolve. Mr. Chiozzi inquired if the abutter who had requested the extension of the berm at the previous meeting was present and if he was satisfied with the new plans. Ms. Byerley informed the board that he was not, however the new plans were in the Planning office and available to be viewed by the public. Mr. Macaux made a motion seconded by Mr. Chiozzi to close the three public hearings for 600-800 Federal Street. **Vote:** Unanimous (5-0)

Merrimack College:

The Board opened the public meeting on an application by Merrimack College for a Site Plan Review Dover Use for six new student residential buildings. Ms. Duff explained the Dover use Site Plan Review process for the audience. Felipe Schwarz, Assistant Vice President for External Affairs at Merrimack College addressed the Board regarding the need for the six new residences due to the increase in the demand for on-campus housing. The College anticipates an enrollment of 2300 students in the fall of 2012. The site to be built on is approximately 3 acres in size and the project will take place in two phases. The first phase would place five (5) townhouses on land which is currently made up of lawn, a basketball court and walkways. The second phase would put one (1) townhouse on land that is currently occupied by the Hamel Health Center and one existing townhouse that accommodates 48 student beds. These buildings would be demolished. The buildings will be 2-3 stories with varied rooflines, multiple entries, and front porches. The individual apartments will have bedrooms and living rooms but will not have kitchens. Mr. Schwarz informed the Board that Merrimack hosted a neighborhood dialogue meeting with residents from both Andover and North Andover. The purpose of the neighborhood dialogue meetings is to keep the residents of those communities informed of future projects on campus and to listen to their concerns. At the first meeting held, residents expressed concern about stormwater runoff, abutter landscaping and parking. Merrimack does have several initiatives to address parking demand and feel that this project can help reduce parking demand on campus with more students living on campus and less students commuting and looking for parking. Existing paved areas will also be looked at to reconfigure into parking lots, and the car-sharing company Zip Car will be coming on campus this fall. They are also looking to schedule their events more efficiently so that events at different buildings do not overlap and parking is available for every event. Transportation and parking are also a part of the Master Plan that Merrimack is currently working on. Chris Lovett of VHB reviewed the engineering plans including the proposed water, sanitary sewer and stormwater systems. The stormwater system currently includes two detention ponds, one by the football field and one on the other side of Elm St. These detention ponds are oversized to reduce the amount of flow leaving the site by 46% for a 100-year storm. The project site and areas to the north will now be diverted to a 48-inch pipe that runs northerly under Elm St. and into the Elm St. detention pond. The flow into the Rock Ridge system will be lessened considerably. Chris Huntress of Huntress Associates gave an overview of the landscaping plans and pedestrian walkways around the proposed new buildings as well as the vegetative buffer plans for the abutting properties. Mr. McDonnell

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questioned if the 18 ft wide roadways are for emergency access only. Mr. Huntress explained that they are pedestrian walkways to be used by vehicles for emergency vehicles only. Mr. Huntress explained that there will be a large vegetative buffer on the property that abuts single family homes. Mr. Schwarz also explained that in that particular building, the section that is closest to the property line will be single-story office space for the resident life department. Mr. McDonnell asked what the construction time frame is. Mr. Schwarz answered that they are looking to complete the first phase and open the five initial Townhouses for fall of 2013. The second phase would be completed for the fall of 2014. The Hamel Health Center and the townhouse to be demolished will remain until construction is ready to begin on the second phase. There is a discussion on the current and proposed vegetative buffer and the distance between the proposed new building of the second phase and the property line. Ms. Byerley reviewed the items that were brought up at the IDR. The Town is requesting additional information on the utilities, storm drains and storm sceptors as well as hydrants that need to be updated. The Fire Department is requesting that the College change all gates on campus to click to enter technology. All residents have to have a parking permit, so regarding parking there is a limit to those who can park on campus. The Fire Department has approved the 18 ft wide emergency access lanes. The Police Department has requested emergency vehicle parking for when they need to respond to the buildings. There were no requested changes to the buildings; however there are requested revisions to the utilities. There is a discussion on current and future parking at the site as well as at the College as a whole. Mr. Schwarz assured the Board that parking is an issue that the College is currently working on and is also part of the future Master Plan. Mr. McDonnell questioned if there has been a dialogue with the Town North Andover regarding parking, and if a joint meeting between the Towns when the Master Plan is presented would be a good idea. Mr. Schwarz said that they have met with the Town Manager and Community Development Manager, and there is a shared communication and outreach, however they do not need any permitting approvals from North Andover on the project. Ms. Duff questioned what impact would be had on enrollment with adding 400 beds. Mr. Schwarz replied that enrollment last year was 2,100 students, with 71% living on campus. This year they are expecting and enrollment of 2,200. Long term their goal is an enrollment of 3,000 students, with 80% living on campus. Merrimack needs to keep up with other local colleges that are offering newer buildings. This year, Merrimack had to house students off campus at the Marriot Residence Inn and provide a shuttle service to and from campus due to the housing demand. Ms. Loder questioned if it was accurate that the project would include the export of 10,000 ft³ and import of 12,500 yd³ of soil. Mr. Lovett explained that there is a thick layer of loam at the site that needs to be removed because it is unsuitable to build on. Ms. Duff opened the floor to residents who would like to make a list of their concerns. She asked that they not go into too much depth with their concerns. The purpose of this meeting is to take in information and get a list of concerns. A date and time can be assigned to when each concern will be addressed individually at a future meeting. Rosalie Toubes, 3 Woodcliff Road, addressed the Board. She is a former resident of 33 Rockridge Road, which is directly behind the Student Center. Her biggest concern is that the residence building being put on the current Hamel Health Center site will lead to increased noise and other problems, and Merrimack's response to neighbor complaints. This concern stems from her own experience in the past with Merrimack and their lack of a permanent solution when she complained about noise from trucks using the loading dock at unreasonable hours. Paulette Grunden, 37 Foxhill Road, a direct abutter, expressed concern on the shadow that the 2-3 story

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building will cast onto her yard. She also expressed concern on the increased noise. Mr. McDonnell reminded the audience that with Dover use, they Planning Board is tasked with comparing what is proposed to go there, with what could go there under regular Zoning laws. They need to take into account that if there were abutting residential property, there could also be a large single family house put behind them which would have the same setback requirements. The setback for a single family home in this zone would be 25 ft with a building height limit of 35 ft. The proposed building from the closest abutter is 27.3 ft. with a building height of 37 ft. For this use, the building could be up to 45 ft. in height. Diane LeBlanc representing her mother who lives at 33 Foxhill Road, a direct abutter, expressed concern about increased water during and post construction. She explained that the neighborhood already experiences drainage problems and she has put a lot of money into getting the water issues at her mother's house under control. She is also concerned about security, increased traffic, and students parking in the neighborhood, and the noise of the HVAC systems. Mr. McDonnell asked if Merrimack has monitored groundwater levels in the area over the years, and asked that they provide that information. Mr. Lovett said groundwater is currently at a depth of 4-5 ft. Ms. Byerley let the Board know that the Conservation Commission is taking the lead on the drainage and will hire a peer reviewer to conduct the drainage review. The Planning Board will be copied on all information, but it will be going through the Conservation Commission with their Notice of Intent filing. There is a discussion on the capacity of the detention ponds. Dan Gagnon, 58 Brookfield Road commented that with 300 students, it was equivalent to building 100 new houses. He questioned where the sewerage would hook in because he does not feel that the system in his neighborhood has the capacity to handle more. Mr. Lovett responded that it would hook in to the Rockridge Road system. They believe that the system has the capacity necessary and information has been submitted to the Department of Public Works to confirm that there is capacity. Mr. McDonnell requested that VHB provide pipe sizes and diameters to the Board. Erin Shepard, 15 Royal Crest Drive, North Andover, asked questions regarding the number of students in each building/unit and square footage of the units, what year student the housing is geared to and what amenities will be provided. Ms. LeBlanc asked that traffic be added to the list and Ms. Toubes asked that safety be added to the list. Mr. McDonnell asked if there was currently a shuttle service to any location from the school. Mr. Schwarz said no but Merrimack is looking into it. Mr. McDonnell asked that alternative transportation be added to the list. Sue Thomson 41 Foxhill Road, a direct abutter, expressed concern about privacy as well as gate access on the access road on her property that the College has an easement for. Mr. McDonnell asked why there is traffic on the access road. Mr. Schwarz replied that there are cars on that road by mistake. People think that it is an entrance to campus, but it is not. He said they are looking in to how they can change the gate and provide better signage. Alan Thomson explained to the Board that in his deed, it is conveyed that the access road can only be used for Fire, Police, and ambulance emergency access, and egress from a sporting event. If the gate is not shut properly, there is constant traffic on the road and people drive too fast. Ms. Byerley suggested that all of the concerns brought up tonight can be handled at the same time and should be taken on at the August 14th meeting. Mr. Macaux made a motion seconded by Mr. McDonnell to continue the public meeting until August 14th at 8:00 p.m. **Vote:** Unanimous (5-0)

600-800 Federal Street:

The Board took up deliberations on an application by Leggatt McCall Properties, LLC for a Modification of a Definitive Subdivision (Woodland Park), a Modification of a Major Non-Residential Project, and a Special Permit for Watershed Protection Overlay District on property located at 600-800 Federal Street. Ms. Byerley reviewed her memo to the Board dated July 5, 2012. In regards to the Modification to Definitive Subdivision for Woodland Park, staff recommends approval with the subdivision being subject to the same conditions imposed for original Definitive Subdivision of Woodland Park. The exception being that the applicant would have to submit mylars within 30-days of the end of the 20-day appeal period. The modification is a change in acres from 140± acres to 142± acres; a change in the number of lots from 8 to 7; and the removal of the cul-de-sac pavement to be replaced with parking but remain as an easement for future build out if needed. Ms. Byerley suggested twenty seven (27) additional conditions. She noted that 1 through 13 are standard conditions that pertain to all special permits. Condition 14 was added in at the suggestion of ESS group to ensure that the system drain pipes are placed as they stated in their reports. Conditions 15 through 23 are standard conditions. Conditions 24 through 27 are more specific to this project. Condition 24 deals with the proposed agreement between the applicant and Sarkisian Driving Range in regards to the driving range netting. Ms. Byerley suggests that the applicant notify Mr. Sarkisian by certified mail what the proposed plan is for the height and length of the netting. Mr. Sarkisian would have 30 days to accept the height and length that the applicant proposes. The applicant and Mr. Sarkisian would then have to work together to obtain any permits required. If Mr. Sarkisian does not respond to or accept the proposal within 30 days the applicant has no obligation to provide netting to Mr. Sarkisian. Any deviation to the agreement would be negotiated between the property owners. Once an agreement is reached, the netting has to be installed before the parking lot can be constructed. This condition is specific to the parking lot extension, the construction of the addition to the building and the parking lot extension towards Chandler Rd. can still take place. There is a lengthy discussion on this proposed condition. Members of the Board questioned if this condition should be part of the decision since it is a private matter between two abutters. There was also concern that the condition was written in a way that would give unfair leverage to the Sarkisians. After a lengthy discussion the Board reached a consensus to keep Condition #24 in the decision and amend it to read:

Within five (5) days of the Board's vote, as agreed upon by the applicant who has offered to provide for netting at the Sarkisian Driving Range, the applicant shall send via certified mail, with a copy being transmitted to the Planning Division, a proposed plan for the netting height and length at the area. In the event that Mr. Sarkisian elects not to accept the aforementioned offer within twenty (20) days of receipt of said communication, or required permits are not issued this condition shall be considered satisfied and the applicant would not be required to provide additional netting, whereas the area in question is located on private property. Any deviation of the offered netting shall be negotiated between the applicant and present property owner of 153 Chandler Road (Sarkisian Driving Range). The agreed upon netting height and length shall be constructed prior to construction of the above mentioned parking lot extension.

Mr. Macaux made a motion seconded by Mr. Chiozzi that the Board find the proposal by to expand the existing building at 800 Federal Street from 160,860 gsf to 237,974 gsf, to combine

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the lots of 600 and 800 Federal Street and the lots that front off of Chandler Road with the reconfiguration of the cul-de-sac layout as requested will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such proposed use with appropriate conditions is in harmony with the general purpose and intent of the bylaw and the Board approve with conditions the applications of Leggat McCall Properties, Inc for a Modification of Definitive Subdivision with a waiver of the construction of the cul-de-sac whereas adequate turn around provisions are being provided within the site, the Modification of Special Permit for a Major Non-Residential Project and the Watershed Overlay District Special Permit subject to the conditions previously discussed. **Vote:** Unanimous (5-0)

Other Business:

Mr. Materazzo asked to Board to look over the short list of items for Town Meeting 2013, which were further articulated in staff's memorandum to the Board. He requested that if the Board has other items that they would like to be considered for Town Meeting 2013, to please bring them to the next Planning Board Meeting on August 14th. Mr. Materazzo also handed out Goals and Objectives for 2013 for the Board's review.

Mr. McDonnell informed the Board that he planned on moving on from the Planning Board when Mr. Doherty returned from his surgery.

Adjournment: The meeting was adjourned at 10:28 p.m.